

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 06/24/03.

### **I. DISPUTE**

Whether there should be reimbursement for Health Club Membership for the date of service 03/22/03.

### **II. RATIONALE**

Phone calls to the carrier representative \_\_\_\_ indicates that the carrier never received any bills. The requestor did not submit any evidence that the carrier received the medical bills per Rule 133.307(f)(3). Also the respondent submitted a Peer Review dated 02/11/00 that indicates that all DME equipment previously used have outlived there usefulness. The requestor also did not request preauthorization for the services over \$500.00 per preauthorization rule 133.600(h)(11). Therefore, reimbursement is not recommended.

### **III. DECISION & ORDER**

The above Findings and Decision are hereby issued this 27th day of January 2004.

Michael Bucklin  
Medical Dispute Resolution Officer  
Medical Review Division

MB/mb